

Referred to Judiciary Committee No. 1.

On motion of Senator Johnson the Senate

Adjourned till Monday 10 a. m.

TWELFTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE, {
AUSTIN, Texas, Jan. 26, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair

Roll called.

Quorum present.

The following senators answering to their names:

PRESENT—26.

Atlee,	Glasscock,	Potter,
Clark,	Harrison,	Seale,
Clemens,	Johnson,	Simkins,
Crane,	Kearby,	Sims,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Tyler,
Garwood,	Page,	Whatley,
	Pope,	Weisiger.

ABSENT—5.

Burney,	Ingram,	Mott,
Carter,	Kimbrough.	

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Sims the reading of the journal was disposed with.

COMMITTEE REPORTS.

Senator Johnson made the following report:

COMMITTEE ROOM.

Austin, Jan. 26, 1891

To the Hon. George C. Pendleton, President of the Senate:

Your committee on Internal Improvements have had under consideration Senate bill No. 29, entitled "An act for the relief of railway companies having charters made or amended since January 1, 1887, which have failed or are about to fail to comply with article 4278 of the revised statutes," and instruct me to report the same back to the Senate with the recommendation that the same do pass.

JOHNSON

Chairman.

Which was read and Senate bill No. 29, entitled "An act for the relief of railway companies having charters made or amended since January 1, 1887, which have failed or are about

to fail to comply with article 4278 of revised statutes of Texas."

Was read the first time

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, Jan. 23, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 68, entitled "An act to amend articles 237 and 238, title 5, chapter 2, of the code of criminal procedure, so as to authorize magistrates to direct warrants of arrest to be executed anywhere in the State, and by any peace officer in the State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER,
Chairman.

Which was read and Senate bill No. 68 was read the first time.

Senator Townsend made the following report:

COMMITTEE ROOMS,

Austin, January 21, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial districts have had under consideration Senate Bill No. 70, entitled "An act to amend section 1 of an act entitled 'An act to amend an act to amend an act entitled 'An act to redistrict the State into Judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; approved March 24, 1885; to create the Forty-third Judicial district of the State of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30, 1887; to create the Forty-eighth Judicial district of the State of Texas, fix the times of holding court therein, and to fix the times for holding court in the Seventeenth Judicial district of the State of Texas, and to provide for the appointment of

a district judge of the said Forty-eighth Judicial district," and instruct

me to report it back to the Senate with the recommendation that it do pass.

TOWNSEND,
Chairman. *

Certificate of County Clerk of Tarrant county, Texas.

Hon. A. M. Carter, Austin, Texas:

Dear Sir—In compliance with your request, I have made a careful examination of the records of our county court, and find that from January 1, 1889, to January 1, 1891, there were nine hundred and fifty-four (954) civil cases filed, and four hundred and sixty-seven cases actually tried and disposed of during the same period, not including dismissals. During the same period there were one thousand six hundred and forty-three criminal cases filed and one thousand and thirty-one cases actually tried, not including dismissals.

In evidence of above and forgoing being a true and correct statement as compiled from the records of said court, I hereunto subscribe my name and attach the seal of said court this fifteenth day of January, A. D. 1890.

[L. S.] JNO. P. KING.

Clerk of the County Court of Tarrant County, Texas.

Certificate of District Clerk of Tarrant county, Texas.

Following is a statement of the dockets for the district court of Tarrant county, Texas:

1. Number of civil suits filed since January 1, 1889, 1406.
2. Number of civil cases disposed of by final judgment since January 1, 1889, not including dismissals, non suits or judgments on demurrers, etc., 417.
3. Number of civil cases now on the several dockets undisposed of, viz: non jury, trial docket, 230; appearance docket, 689; jury docket, 294. Total, 1213.
4. Number of criminal cases docket for trial since January 1, 1889, 180.
5. Number of criminal cases disposed of by trial (not including dismissals) during the same time, 122.
6. Number of criminal cases now on docket, 66; civil suits, 1213. Total on dockets for trial, 1279.

THE STATE OF TEXAS, }
COUNTY OF TARRANT. }

I, L. R. Taylor, clerk of the district court in and for said county and State do hereby certify that the within and foregoing is a true and correct state-

ment of the number of civil and criminal cases filed and docketed in said court since the first day of January, A. D. 1889, and the number of civil and criminal cases disposed of by trial and final judgment during said time, and the number of cases, civil and criminal, now on the dockets for trial.

Witness my official seal and signature, at office in the city of Fort Worth, Tex., this, 17th day of January, 1891.

[L. S.] L. R. TAYLOR,
Clerk of the District Court of Tarrant County, Tex.

Which was read, and Senate bill No. 70, entitled "An act to amend section 1 of 'An act entitled 'an act to amend an act to amend an act entitled 'An act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said precincts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; approved March 24, 1885, to create the Forty-third Judicial District of the State of Texas, fix the times for holding court therein and to provide for the appointment of a district judge for said district, approved March 30, 1887, to create the Forty-eighth judicial district of the State of Texas, fix the times of holding court therein and to fix the times for holding court in the Seventeenth judicial district of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth judicial district," was read the first time.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan. 22, 1891.

Hon. George C. Pendleton President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred Senate bill No. 74, entitled "An act to amend article 558, title 7, chapter 4 of the code of criminal procedure," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend by adding subdivisions four and five at the end of the bill, to-wit:

4. "That the witness is not absent by the procurement of consent of the party applying therefor."

5. "That the application is not made for delay."
All of which is respectfully submitted.

TYLER,
Chairman.

And Senate bill No 74 was read the first time.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 83, entitled "An act to prohibit any person who may hereafter be divorced from marrying any other person for twelve months from the date of the final judgment, and providing a penalty for the violation of the provisions of this act,"

Have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend by striking out section 2 of the bill and change the numbering of the remaining sections to correspond with this amendment.

All of which is respectfully submitted.

TYLER,
Chairman.

And Senate bill No. 83 was read the first time.

On motion of Senator Tyler the journal of last Friday's (23d) proceedings was corrected to show that he spoke for, instead of against, Senator McKinney's amendment to Senate bill No. 15.

Senator Johnson made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Your committee on Internal Improvements, to whom was referred

Senate bills Nos. 11 and 28, requiring railroad companies to provide separate coaches for white and colored passengers,

Have had the same under consideration, and instruct me to report the same back to the Senate with the statement that the committee have reported favorably Senate bill No. 97, upon the same subject and recommend that these bills be considered in connection therewith.

JOHNSON,
Chairman.

Senator Johnson made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Your committee on Internal Improvements, to whom was referred

Senate bill No. 97, entitled "An act to require railroad companies in this State to provide separate coaches for white and colored passengers,"

Have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that the same do pass with the following amendment:

1. Amend the caption by adding thereto, "to prohibit passengers from riding or attempting to ride in coaches other than those set apart for his color, to confer upon conductors power to enforce the provisions of this act, to regulate passenger travel and to provide penalties and punishments for the violation thereof."

2. Amend section 1 by inserting after the word "companies" "except street railways, receivers or other persons operating railroads."

3. Amend section 2 by striking out, etc., and inserting "and convenience" in its place.

4. Amend section 5 by striking out all that part of the section beginning with line 16 of that section and ending with line 22 inclusive.

5. Amend section 6 by inserting after the word "superintendent" in line 2, the words "or managers." Also by striking out the word "common" in line 20, and inserting the word "available."

JOHNSON,
Chairman.

And Senate Bill No. 97, with committee amendments was read the first time.

The following bills and resolutions were read by caption and referred:

By Senator Page:

A Bill to be entitled "An act to increase the fees of district clerks in certain.

Referred to Judiciary Committee No. 1.

By Senator Stephens:

"An act to amend sections No. 11 and 14, chapter 56, of an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university and the several asylums, and the lease of such lands, and the public lands of

the State, and to prevent the free use, occupancy and enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1st, 1887, and to provide for the trial of contests between applicants desiring to purchase such lands.

Referred to committee on Public Lands.

By Senator Harrison:

A bill to be entitled, "An act to provide for the establishment and maintenance of a home for disabled and indigent Confederate soldiers and sailors."

Referred to committee on State Affairs.

By Senator Glasscock:

A bill to be entitled "An act to amend section 45, chapter 132 of the acts of the regular session of the Twentieth legislature entitled an act to establish and maintain a system of public free schools of the State of Texas, and to repeal so much of chapter 3 of title 78 of the revised civil statutes of the State of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools.

Referred to Committee on Education.

By Senator Clark:

A bill to be entitled "An act to define, prevent and punish fraud and evasion in the assessment and collection of the public revenue arising upon all money subject to taxation in the State of Texas.

Referred to the Committee on Finance.

By Senator Glasscock:

A bill to be entitled "Act to amend section 47, of chapter 25, special session of the Eighteenth Legislature, being an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the revised civil statutes of Texas as refer to the public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools.

Referred to Committee on Education.

By Senator Page:

A bill to be entitled "An act to require county attorneys county judges, county and district clerks, county treasurers, sheriffs and county surveyors to make an annual state-

ment to the commissioners court of the fees of their respective offices.

Referred to committee on State affairs.

By Senator Crane:

A bill entitled "An act fixing and prescribing the legal effect of reserving vendors liens in conveyances of land, and to secure the unpaid purchase money, and to compel the enforcement of such laws and all rights reserved therein within a certain time.

Referred to Judiciary Committee No. 1.

By Senator Crane (by request):

A bill to be entitled "An act to provide for the recording of certified copies of records of deeds in certain cases, and to provide the effect of such regulation."

Referred to Judiciary Committee No. 1.

By Senator Weisiger (by request):

A bill to be entitled "An act to amend article 2403, title 42, chapter 3, revised civil statutes, allowing mileage to commissioners and county judges.

Referred to committee on State Affairs.

By Senator Glasscock:

A bill to be entitled, "An act to compel railroad companies to provide facilities and transportation for express companies on their lines of railroad in this State and to receive, transmit, and discharge all freights and other property for such express companies as is not prohibited by law to be carried as express, at all stations and stopping places on the lines of said railroads, and to prevent discrimination in charges against any one express company over another for toll, rent, or transportation of freights, etc., over the lines of railroad companies, and to provide that more than one express company can carry on business over the lines of said railroads, and to provide for suit and penalty for any violation of the provisions of this act.

Referred to Committee on Internal Improvements.

By Senator Page:

A bill to be entitled "An act to amend the law relating to mining and geology."

Referred to committee on Mining and Irrigation.

Senator Stephens moved to take up Senate Bill No. 15.

On motion of Senator Clemens Senator Carter was excused on account of sickness.

On motion of Senator Kearby Sen-

ator Kimbrough was excused for same cause.

Question being on Senator Stephen's motion to reconsider the motion to engross Senate bill No. 15.

Senator Johnson spoke against same.

Senator Stephens spoke in favor of reconsideration.

Motion to reconsider lost. Ayes 10, noes 13.

Senator Maetze made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Rules, to whom was referred

Resolution by Senator Townsend:

Resolved, That of all bills referred to the Judiciary committees, that those looking to a change of the revised statutes be referred to Judiciary committee No. 1, and those looking to a change in the criminal code, and code of criminal procedure be

Referred to Judiciary committee No. 2.

Have had the same under consideration, and instructed me to report the same back to the Senate with the recommendation that it be amended so as to read:

Resolved, That all bills introduced in the Senate be referred by the President to the appropriate committee, unless otherwise ordered by the Senate.

All of which is respectfully submitted.

E. G. MAETZE,
Chairman.

On motion of Senator Townsend the report was adopted.

On motion of Senator Tyler the resolution was adopted.

Senator Maetze offered the following reports:

COMMITTEE ROOM,
Austin, Jan 24, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Rules, to whom was referred resolution offered by Senator Johnson:

Resolved that Senate Rule No. 22 be amended so as to read as follows:

22. When a question is under consideration by the Senate, no motion shall be made except:

To fix the day to which the Senate shall adjourn;

To adjourn;

To proceed to the transaction of business;

The previous question;

To postpone indefinitely;

To postpone to a time certain;

To lie on the table;

To commit with instructions;

To commit without instructions;

To amend;

Which several motions shall have precedence in the order in which they are arranged.

Resolved, that Senate Rule No. 29 be amended so as to read as follows:

Rule 29. A bill, when introduced shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof, when first introduced; if a House bill, the reading thereof when transmitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill, accepting, rejecting or amending the same, until it has been reported upon by a committee.

That Rule No. 30 be amended so as to read as follows:

Rule 30. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "Shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "Shall this bill pass to a third reading?"

Have had the same under consideration, and instruct me to report the same back to the Senate, with the recommendation that the resolutions be adopted.

E. G. MAETZE.

On motion of Senator Stephens, the resolutions were postponed until Wednesday and ordered printed in the Journal.

Senator Maetze offered the following report:

COMMITTEE ROOM,
Austin, Jan. 24, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Rules, to whom was referred

Resolution offered by Senator Lubbock:

Resolved that the rules be amended so as to permit the appointment of a committee to be known as the committee on labor,

Have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it be adopted.

E. G. MAETZE,
Chairman.

Which was adopted.

Senate Bill No. 15 was read the third time with amendments.

Question being on final passage of the bill. The bill passed.

Senate Bill No. 3 was called up in its regular order and read second time.

Senator Kearby offered the following amendment:

[Senator Johnson in the chair.]

Amend by adding after the words revised statutes and before the word provided, in section 3, line 6, page 2 of the bill, "together with notes under each title, chapter and article a concise statement of the decision, of our courts of last resort construing the same similar to the plan now used in Sayles Annotated statutes."

Senator Pope spoke against the amendment.

Senator Kearby to the amendment.

Senator Garwood called for second reading.

Amendment was read.

Senator Garwood opposed the amendment.

Senators Cranford and Tyler opposed.

Senator Kearby spoke to the amendment.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE.
AUSTIN, Jan. 26, 1891.
Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed substitute House bills Nos. 34 and 54, to be entitled "An act to amend article 1272, chapter 9, title 29, of the revised civil statutes of the State of Texas."

SAM H. DIXON,
Chief Clerk House of Representatives.

Question being on Senator Kearby's amendment to Senate bill No. 3, and the ayes and naves called for the amendment was lost by the following vote:

YEAS—6.

Clark,	Lubbock,	I age,
Kearby,	McKinney.	Whatley.

NAYS—19.

Atlee,	Garwood,	Potter,
Clemens,	Glascock,	Seale,
Crane,	Harrison,	Sims,
Cranford,	Johnson,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	Pope,	Tyler,
		Weisiger.

ABSENT—6.

Burney,	Ingram,	Mott,
Carter,	Kimbrough,	Simkins.

Senator Stephens offered the following amendment:

Amend by adding to section 3 the following

Provided further, that the civil statutes, the penal code and the code of criminal procedure shall each be separately indexed and placed at the end of each of such subdivisions.

Senator Stephens explained the amendment.

(The President in the chair.)

Senator Stephens' amendment was adopted.

Senator Cranford offered the following amendment:

Amend by striking out section 6 and inserting the following:

Section 6. The difficulty of knowing what the law is and where to find it in the great mass of accumulated session acts and the constitutional authorization of a decennial revision, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days, and said rule is hereby suspended and that this act take effect from and after its passage and it is so enacted.

Adopted.

Senator Pope moved to reconsider the vote by which the bill was ordered engrossed. Carried.

Senator Townsend offered the following amendment:

Amend by striking out the words "a commissioner" in line 3, page 1, and insert the words, "3 commissioners," and make the bill otherwise conform.

Senator Johnson opposed the amendment:

Senator Pope offered the following substitute for Senator Townsend's amendment.

Which Senator Townsend accepted: Amend the amendment by striking out 3 and inserting 2, which was adopted.

The following messages were received from the Governor:

EXECUTIVE OFFICE,

Austin, Texas, Jan. 26, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of R. W. Finley to the office of financial agent of State penitentiaries. Respectfully,

J. S. HOGG.

Governor of Texas.

EXECUTIVE OFFICE,

Austin, Texas, Jan. 26, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the

appointment of James G. Smither to the office of assistant superintendent of the penitentiary at Huntsville.

Respectfully,

J. S. HOGG,
Governor of Texas.

To the Senate of the state of Texas:

I ask your advice and consent to the appointment of R. H. Harrison to the office of Assistant Attorney General of the state of Texas.

Respectfully,

J. S. HOGG,
Governor of Texas.

EXECUTIVE OFFICE.

Austin, January 26, 1891.

To the Senate of the state of Texas:

I ask your advice and consent to the appointment of E. G. Douglas to the office of Assistant Superintendent of the Penitentiary at Rusk.

Respectfully,

J. S. HOGG,
Governor of Texas.

Question being on the engrossment of Senate bill No. 3, it was ordered engrossed.

Senator Cranford moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

The rule was suspended by the following vote:

YEAS—24.

Atlee,	Gl's cock,	Potter,
Clark,	Harrison,	Seale,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Pope,	Whatley.

ABSENT—7.

Burney,	Ingram,	Mott,
Carter,	Kimbrough,	Page,
		Simkins.

On final passage of the bill it was read third time and passed by the following vote:

YEAS—22.

Atlee,	Harrison,	Seale,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Maetze,	Townsend,
Cranford,	McKinney,	Tyler,
Frank,	Pope,	Weisiger,
Garwood,	Potter,	Whatley.
Glasscock,		

NAYS—1.

Finch,

ABSENT—8.

Burney,	Kimbrough,	Page,
Carter,	Lubbock,	Simkins.
Ingram,	Mott,	

Senator Crane moved to call up Senate bill No. 12 out of its regular order. Carried.

Senate bill No. 12, entitled "An act to amend article 182, title 9, chapter

1, of the revised statutes," was read second time.

Question being on the engrossment of the bill.

Senator Pope offered the following amendment:

"Provided that whenever there has not been time in which either party could replevy the property nor apply for an order of sale before a trial has been had, and said property is such that can be sold on application, then the court in such cases may, on the day of the overruling of a motion for a new trial, also make an order for the sale of same, and when sold the proceeds shall be disposed of as is provided for in this chapter.

Adopted.

Senator Crane offered the following amendment:

Amend by striking out the word "in" in line twelve and inserting "of" in lieu thereof.

Adopted.

Senator Crane offered the following amendment:

Amend by striking out the word "that" in line thirteen and inserting "if" instead thereof.

Adopted.

Senator Crane offered the following amendment:

Section 3. That the fact that there is no law providing for revising the ruling of trial courts made in granting attachments, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in be in force from and after its passage, and it is so enacted.

Adopted.

The bill was discussed by Senators Johnson, Potter, Crane, Tyler.

Senator Stephens offered the following amendment:

Amend by adding to the end of section one the following—providing that nothing herein contained shall prevent the owner of the property attached from recovering damages, for wrongfully suing out the attachment against the plaintiff and his bondsmen on the attachment bond.

Adopted.

Senator Johnson offered the following amendment:

"And upon the execution by the plaintiff or party appealing of a supersedeas bond conditioned as provided by law," insert the foregoing after the

word appeal in line 11, and before the word but, in same line.

Adopted.

Question being on the engrossment of the bill it was ordered engrossed.

Senator Crane moved to suspend the constitutional rule which was suspended by the following vote:

YEAS—24.

Atlee,	Glasscock,	Pope,
Clark,	Harrison,	Potter,
Clemens,	Johnson,	Simr,
Crane,	Kearby,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.

ABSENT—7.

Burney,	Ingram,	Mott,
Carter,	Kimbrough,	Seale,
		Simkins,

Being on its final passage the bill was read third time and passed by the following vote:

YEAS—22.

Atlee,	Harrison,	Pope,
Clark,	Johnson,	Potter,
Clemens,	Kearby,	Seale,
Crane,	Lubbock,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.
Glasscock,		

ABSENT—9.

Burney,	Ingram,	Simkins,
Carter,	Kimbrough,	Sims,
Cranford,	Mott,	Townsend.

The following bills were introduced by consent:

By Senator Harrison:

A bill to be entitled "An act to amend article 2335, title 40, chapter 1, Revised Civil Statutes of the state of Texas, relating to property exempt from forced sale.

Referred to Judiciary Committee No. 1.

By Senator Atlee: [A 10.]

A bill entitled, "An act to protect stock raisers, farmers and horticulturists; providing for the destruction of wolves and other wild animals, to make appropriations therefor, and to repeal chapter 119, relating to same subject approved April 2d, 1887.

Referred to committee on Stock and Stock Raising.

By Senator Glasscock:

A bill to be entitled "An act making express companies common carriers and liable to all the provisions of title 13, chapter 1, of the Revised Civil Statutes of the State of Texas, and fixing rate of transportation of freights and express matter to be charged by them and providing for uniform rates of charges, and against unjust discrimination in rates and charges and for manner of service in suits against them, and providing a penalty for violating the provisions of this act."

Referred to the Committee on Internal Improvements.

By Senator Pope:

A bill to be entitled "An act to regulate tenders, and to authorize offers to confess judgments in suits filed."

Referred to Judiciary Committee No. 1. Senator Townsend moved to reconsider Senate Bill No. 10, and asked that his motion be spread on the Journal.

On motion of Senator Tyler, Senate Bill No. 34 was taken up out of its regular order.

On motion of Senator Pope, Senate bill No. 97 was made special order for Wednesday morning next and from day to day till disposed of.

Senator Tyler offered the following amendment to Senate Bill No. 34:

Amend by inserting after the words "taken," in last line of the bill, the words "by the United States or."

Adopted.

[Senator Pope in the chair.]

Senator Kearby offered the following amendment:

Amend by adding to line 6, on page 2: as follows:

7. Any person who shall have served as juror as much as six days in the district court within the next preceding six months, or as much as six days in the county court within the next preceding three months.

8. Any postmaster or deputy postmaster.

9. All ginners actively engaged in ginning, and engineers and firemen for any steam mill and gin while they are engaged in the active discharge of such duties. Withdrawn by consent.

Senator Lubbock offered the following amendment:

Amend by adding after the nineteenth line:

"All presidents and cashiers of banks."

Lost.

Senator Harrison offered the following amendment to Senator Lubbock's amendment:

Amend amendment by adding, "and all persons actively engaged in picking, hauling or any other work connected with preparing the crops of the country for market, or engaged in conducting the commerce of the country."

Lost.

Senator Kearby offered the following amendment:

Amend by adding after line 6, page 2, the following: "All ginners actively engaged in ginning, and engineers and firemen when actively engaged in the discharge of their duties."

Senator Glasscock moved the previous question on the bill and amendments.

Ordered.

The yeas and nays being called Senator Kearby's amendment was lost by the following vote:

Clark,	•	McKinney,	Simkins,
Harrison,		Page,	Townsend,
Kearby,		Pope,	Whatley.
Lubbock,			

YEAS—10.

Atlee,	Garwood,	Seale,
Clemens,	Glasscock,	Sims,
Crane,	Johnson,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	Potter,	Weisiger.

NAYS—15.

Burney,	Cranford,	Kimbrough,
Carter,	Ingram,	Mott.

ABSENT—6.

On motion of Senator Page

The Senate adjourned to 10 o'clock tomorrow.

THIRTEENTH DAY.

SENATE CHAMBER,
AUSTIN, Texas, Jan. 27, 1891. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll call.

Quorum present.

The following Senators answering to their names:

Atlee,	Harrison,	Pope,
Carter,	Johnson,	Potter,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	Whatley.
Glasscock,		

PRESENT—25.

Cranford,	Seale,	Tyler.
Ingram,		

ABSENT—4.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Stephens the reading of the journal was dispensed with.

COMMITTEE REPORTS.

Senator Townsend made the following report:

COMMITTEE ROOM, }
Austin, Jan. 26, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts have had under consideration Senate bill No. 16, entitled "An act to prescribe the times for holding the terms of the district court in the Forty-sixth judicial district, and to repeal all laws and parts of laws in conflict therewith," and instruct me to re-

port the same back to the Senate with the recommendation that the same do pass.

TOWNSEND,
Chairman.

And bill read first time.

Senator Clemens made the following report:

COMMITTEE ROOM,
Austin, Jan. 23, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 110, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government for the year ending February 28, 1891, and for previous years, being for payment of claims registered in the comptroller's office in accordance with law, and for outstanding claims not registered and other deficiencies,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

By adding to the first section: "For publishing constitution amendments, \$20,000; fees of justices of the peace, constables and other peace officers in examining trials, \$3000."

All of which is respectfully submitted.

CLEMENS,
Chairman.

And bill read first time.

Senator Glasscock made the following report:

COMMITTEE ROOM,
Austin, Jan. 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred,

Senate bill No. 143, entitled "An act to amend sections 5 and 10 of section 8, article 7 of chapter 25 of the acts of the special session of Eighteenth Legislature, entitled 'An act to establish and maintain a system of public free schools for the State of Texas and to repeal so much of chapter 3 of title 78 of the revised civil statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming, or having assumed control of their public free schools and all laws and parts of laws in conflict with this act,'"

Have had the same under consideration and instruct me to report it back